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REMARKS

Applicants thank the Examiner for the consideration given the present application. Claims 31, 33, 35-47, 52-56, 59-61, 63, and 67-78 are pending. Claims 31, 33, 52, 53, 63, 73, and 77 are independent.

Claim 31 is amended for clarity, thus obviating the rejection under 35 U.S.C. §112. Claim 52 is amended to indicate that the wide bandwidth link or channel has a short range. Claim 73 is amended to clarify that the data is selectively transmitted and received after transfer of the message.

Applicants traverse the rejection of claims 52-56, 59, 68, 70-78 under 35 U.S.C. §102(e) as being anticipated by Rautila (2004-0171378).

Each of independent claims 52, 53, 73 and 77, on which claims 56, 59, 68, 70-72, 74-76 and 78 depend, requires notifying an element that data is ready to be transferred to that element. Claim 52 requires a mobile device to notify a network that data is awaiting transfer to the network from the mobile device. Notification is effected by transmitting a signal from the mobile device to the network via a first link having a narrower bandwidth and a longer range than a second link through which data is transferred from the mobile device to the network.

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Claim 53 requires a first transmitter that transmits a first narrow bandwidth, long-range signal to a mobile device, wherein a first signal indicates data on the network is ready to be transferred to the mobile device. A second transmitter transmits to the mobile device a second wide bandwidth, short-range signal that includes the data. In addition, the mobile device and the first transmitter selectively cause the first transmitter to transmit the data via the first, narrow bandwidth channel and enable the mobile device to selectively receive the data by way of both the narrow and wide bandwidth channels.

Claim 73 requires a message to be transferred to a mobile device from a network by way of a first narrow bandwidth channel, wherein the message indicates data is desired to be transferred to the device. The data is required to be selectively (1) transmitted via the first narrow bandwidth channel and (2) received at the mobile device via both the narrow and wide bandwidth channels.

Claim 77 requires a message to be transferred to a mobile device to a network by way of a narrow bandwidth long-range channel, wherein the message indicates data is desired to be transferred to the mobile device.

As can be seen, each of the independent claims now requires a notification to the mobile device that a signal is to be transmitted to an element (e.g., a mobile device), wherein transmission of the indication takes place via a narrow bandwidth, long-range channel or

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link. The allegations in the Office Action that these features are disclosed in paragraphs [0024], [0025], and [0030]-[0032] of Rautila are simply incorrect. None of these paragraphs mentions notification, and no rationale is provided as to why notification would be inherent.

Applicants traverse the rejections under 35 U.S.C. §103(a) of claims 31, 33, and 63 as being unpatentable over Boyle et al. (U.S. 6,665,711) in view of Esmailzadeh (2004-0203626) and claims 35-45, 47, 67, and 69 as being unpatentable over Boyle in view of Esmailzadeh and Rautila.

The Office Action correctly acknowledges that Boyle does not disclose the scheduling arrangement feature of Applicants' claims 31, 33, and 63. Applicants cannot agree that one skilled in the art would have modified Boyle to include the scheduling feature as a result of paragraph [0016] of Esmailzadeh.

Boyle relates to alerting over one channel with respect to a data transfer over another channel. Paragraph [0016] of Esmailzadeh describes a method of mobile communication that includes determining schedules for transmitting and receiving data, and transmitting and receiving data between a base station and a plurality of mobile terminals according to the schedules. Orthogonal codes are transmitted from mobile stations to the base station as alert signals indicating the presence of data to be transmitted. The base station checks whether the orthogonal codes are contained in the

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alert signals transmitted from the mobile terminals to the base station. When the particular orthogonal codes are detected in the alert signals transmitted from the mobile stations to the base station, data representing the detected orthogonal codes and the schedules for transmitting the data from the mobile terminals to the base station are transmitted from the base station to the mobile terminals as an alert response in response to the alert signals. When the data representing the orthogonal codes used for the alert signals transmitted from the mobile terminals to the base station are contained in the alert response transmitted from the base station to the mobile terminals, the data transmission schedules in the alert response are read out at the mobile terminals and the data are transmitted from the mobile terminals to the base station according the schedules that are read out.

The systems of Boyle and Esmailzadeh are so different, one of ordinary skill in the art would not modify Boyle as a result of Esmailzadeh because Esmailzadeh relates to a single channel while Boyle discloses a two-channel system. The Office Action alleges one of ordinary skill in the art would have modified Boyle to include the Esmailzadeh scheduling feature because the Esmailzadeh scheduling feature would have improved the transfer of data in the Boyle system. Applicants cannot agree. To establish a proper case of obviousness, there must be some suggestion or motivation to combine the references, either in the references themselves or in

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the knowledge generally available to one of ordinary skill in the art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438, 1444 (Fed. Cir. 1991). In the present case, after reviewing Applicants' disclosure and/or claims, the Examiner has cast about to find bits and pieces of Applicants' claims and, through the use of hindsight, has combined the references. Consequently, the rejection of claims 31, 33, and 63 based on Boyle in view of Esmailzadeh is improper.

Applicants traverse the rejection of claims 35-45, 47, 67, and 69 under 35 U.S.C. §103(a) as being unpatentable over Boyle in view of Esmailzadeh and Rautila.

Contrary to the assertion in the Office Action, it would not have been obvious to one of ordinary skill in the art to have modified the Boyle device to incorporate Esmailzadeh's scheduling arrangement. Rautila does not disclose scheduling and does not remedy the previously discussed incorrect rationale for combining Boyle and Esmailzadeh. Nor can Applicants agree that paragraphs [0024], [0025], and [0030]-[0032] of Rautila disclose executing software for the short-range (unlicensed) transfer of a decryption key from network to mobile device via a first link, followed by transferring the data in encrypted form, based on the key, from network to mobile device via a second communication link, a feature the Office Action concedes Boyle and Esmailzadeh lack.

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Applicants traverse the rejection of claims 60 and 61 under 35 U.S.C. §103(a) as being unpatentable over Rautila in view of Aho. Aho obviously fails to cure the deficiencies of Rautila discussed above with respect to claim 53, upon which claims 60 and 61 depend.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are deemed in order and are respectfully requested.

Applicants hereby request a one-month extension of time in which to file this reply and hereby authorizes the Commissioner to charge any required fees not otherwise provided for, including application processing, extension of time, and extra claims fees, to Deposit Account No. 08-2025.

Respectfully submitted,
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